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POSITION STATEMENT

April 3, 2019

House Bill 370, Require Sheriff Cooperation with ICE

The North Carolina Sheriffs' Association is opposed to illegal immigration and supports enforcement of the laws against illegal immigration.

The Association would like to work with our legislators on acceptable solutions to address illegal immigration in the State. However, Edition 1 of House Bill 370 is not the appropriate method to address this very important issue.

After careful analysis and thorough consideration, the North Carolina Sheriffs' Association has adopted the position of OPPOSE-HIGH PRIORITY regarding Edition 1 of House Bill 370, Require Sheriff Cooperation with ICE.

It is our understanding that a majority of North Carolina sheriffs honor ICE detainers. However, federal law does not compel sheriffs to participate in the ICE detainer program. North Carolina law, as affirmed in Chavez vs. Carmichael, is consistent with federal law in that it is lawful for a sheriff to honor, or to decline to honor, an ICE detainer.

The Association takes no position on the benefits or detriments of participation in the ICE detainer program as it relates to public safety in North Carolina or to U.S. immigration policy.

House Bill 370 would compel duly elected sheriffs to participate in a voluntary federal law enforcement program. The North Carolina Sheriffs' Association opposes such mandate. The people of each county, as reflected by the decision of their elected sheriff, should retain the ability to decide which lawful method they will utilize in complying with existing federal and state law.

Just as the Association opposes any state law requirement to participate in the ICE detainer program, it would also oppose legislation prohibiting sheriffs from participating in the ICE detainer program.

The Association supports cooperation between sheriffs and all local, state and federal law enforcement agencies. However, it is an unwise encroachment on



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the lawful responsibility of the sheriff, who serves as the “keeper of the jail,” to mandate how this cooperation should occur.

Additionally, allowing for a “private enforcement” court action is unwise and would likely instill a “chilling effect” on sheriffs when deciding how to best carry out the duties of their office.

Therefore, the North Carolina Sheriffs' Association urges the General Assembly to not enact Edition 1 of House Bill 370, Require Sheriff Cooperation with ICE, and to work with us cooperatively to craft a mutually acceptable solution to address this very important issue.